

**REMARKS**

This paper is accompanied by a Request for Continued Examination (RCE). The paper is responsive to a final rejection of claims 29-38, 40 and 46-53 entered into the case on August 13, 2008, and a personal interview held at the United States Patent and Trademark Office (USPTO) in Alexandria, VA, on September 15, 2008.

**Interview Summary:**

On September 15, 2008, Applicants' representatives Lawrence Steward and Jack Hunt held a personal interview with Patent Examiner Julian Woo at the USPTO. During the interview, Applicants' representatives proposed certain amendments to the independent claims (claims 29, 46), as well as to dependent claims 31 and 48. The substance of the proposed amendments is provided herein in the Listing of Claims. In addition, arguments were presented asserting the allowability of the claims over USP 3,831,587. No exhibits were shown or demonstrations conducted.

Agreement was reached that the proposed amendments appeared to overcome the rejections based on USP 3,831,587. The Examiner agreed to consider the amendment, and to perform an updated search following receipt of Applicants' RCE and Preliminary Amendment. See, Interview Summary mailed by Examiner Woo on September 19, 2008.

**Section 102(b) and Section 103(a) rejections:**

In the final Office Action, claims 29-35, 37, 38, and 40 were rejected under 35 U.S.C. §102(b) as being anticipated by Boyd (USP 3,831,587). Claim 36 was rejected under 35 U.S.C. §103(a) as being unpatentable over Boyd. Claims 46 and 49-53 were rejected under 35 U.S.C. §103(a) as being unpatentable over Boyd in view of Panzer (USP 3,721,229). Claim 47 was rejected under 35 U.S.C. §103(a) as being unpatentable over Boyd in view of Panzer, and further in view of Gill (USP

5,139,511).

The primary Boyd reference is directed to a multipurpose vaginal and cervical device used for purposes such as artificial insemination, intra-uterine therapy, etc. According to the Examiner, Boyd discloses an insertion member (identified as tubular element 12) a portion of which is receivable within a sheath body axial opening (identified as the opening at element 16). Additionally, the Examiner stated that a squeeze bulb 20, configured to introduce air to inflate the "sheath body" as shown in Figs. 2 and 3, meets the claimed limitation for a pusher. Finally, the Examiner stated that the flexible tube 22 interconnecting the squeeze bulb 20 and an air tube 14 meets the claimed limitation of a handle.

Applicants respectfully take issue with the Examiner's characterization of the elements of the Boyd reference, as well as their applicability to the claims of the present invention. However, in order to advance prosecution, Applicants submit the claim amendments as listed above, and as previously discussed with the Examiner at the interview on September 15, 2008. Applicants submit that the Boyd reference neither teaches nor suggests a structure as claimed. As indicated on the Interview Summary previously entered into this case by Examiner Woo, the Examiner agreed that the proposed amendments appear to overcome the rejection based upon Boyd. The secondary and tertiary Panzer and Gill references were only cited against claims dependent from independent claim 46, and are directed only to narrow features of the invention (related to a dilator) that were acknowledged by the Examiner as not being present in Boyd. Therefore, these references do not cure the shortcomings of Boyd.

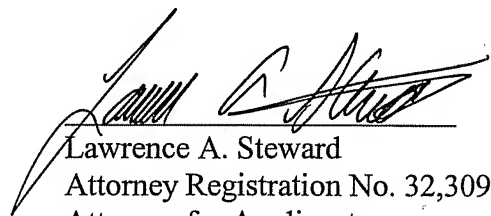
**Conclusion:**

Applicants' representative respectfully reminds the Examiner that five Office Actions (plus a Restriction Requirement that was issued months after Applicants' response to the first Office Action on the merits) have already been issued in this matter, most of which contained an indication of either allowed or allowable subject

matter. Notwithstanding previous responses and amendments submitted by Applicants in an effort to, at a minimum, obtain allowance of claims indicated by the Examiner as containing allowable subject matter, a Notice of Allowance has not been forthcoming. Further, in the present Office Action, the Examiner withdrew a previous finding of allowable claims, by newly citing a primary (Boyd) and a secondary (Panzer) reference, both from the 1970s, and each (at least to the Applicants) bearing little relevance to the claims at issue. To the extent that these references may have had any relevance to the present claims, any such relevance has been overcome based upon the claim amendments provided herein.

Applicants respectfully submit that it is time to end prosecution of this application, and to enable Applicants to receive the patent coverage to which they are entitled by law. Therefore, for all of the foregoing reasons, Applicants respectfully submit that the rejections to the claims have been overcome, and that all claims 29-38, 40 and 46-53 are in condition for allowance. Accordingly, Applicants request the prompt issuance of a Notice of Allowance. If the Examiner believes that any minor issues remain for resolution prior to issuance of the Notice of Allowance, the Examiner is respectfully invited to telephone the undersigned attorney.

Respectfully submitted,



Lawrence A. Steward  
Attorney Registration No. 32,309  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
**CUSTOMER NO. 48004**  
Telephone: 317-636-0886  
Facsimile: 317-634-6701